

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF:)
COMPLAINT C2010-079)
State Ethics Commission,)
Complainant;)
vs.) **DECISION AND ORDER**
Michael Campbell,)
Respondent.)

STATE ETHICS
COMMISSION

2010 SEP 27 PM 2:26

RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on January 26, 2010. On May 19, 2010, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2009), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Michael Campbell, with eight violations of Section 8-13-1308, and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on September 15, 2010 were Commission Members JB Holeman, Richard H. Fitzgerald and E. Kay Biermann Brohl, Hearing Chair. Respondent was not present, but duly noticed. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

COUNT ONE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Michael Campbell, a candidate for Lieutenant Governor in the 2006 primary election, on or about July 10, 2008, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

COUNT TWO
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Michael Campbell, a candidate for Lieutenant Governor in the 2006 primary election, on or about October 10, 2008, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

COUNT THREE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Michael Campbell, a candidate for Lieutenant Governor in the 2006 primary election, on or about January 10, 2009, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

COUNT FOUR
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Michael Campbell, a candidate for Lieutenant Governor in the 2006 primary election, on or about April 10, 2009, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

COUNT FIVE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Michael Campbell, a candidate for Lieutenant Governor in the 2006 primary election, on or about July 10, 2009, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

COUNT SIX
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Michael Campbell, a candidate for Lieutenant Governor in the 2006 primary election, on or about October 10, 2009, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

COUNT SEVEN
FAILURE TO DETAIL CAMPAIGN CONTRIBUTIONS AND EXPENDITURES
SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Michael Campbell, a candidate for Lieutenant Governor, in his January 10, 2008 disclosure, did fail to detail his campaign contributions and expenditures.

COUNT EIGHT
FAILURE TO DETAIL CAMPAIGN CONTRIBUTIONS AND EXPENDITURES
SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Michael Campbell, a candidate for Lieutenant Governor, in his April 10, 2008 disclosure, did fail to detail his campaign contributions and expenditures.

STATEMENT OF FACTS

1. The Respondent, Michael Campbell, was a candidate for Lieutenant Governor in a primary election held on June 13, 2006, with a subsequent run-off election on June 27, 2006.
2. Commission Investigator Dan Choate testified that Respondent filed an online April 10, 2008 quarterly Campaign Disclosure form (CD) which reported a balance in his campaign account of \$30,164.48.
3. Correspondence was presented to the hearing panel. By letter dated October 26, 2009, Respondent was advised that his quarterly CDs from July 10, 2008 to October 10, 2009 had not been received and late filing penalties were being levied. By certified letter dated December 9, 2009, he was reminded that the CDs had not been received. By certified letter dated January 26, 2010, Respondent was advised that a quarterly CD due by January

10, 2010 had not been received and a late filing penalty was being levied. By letter dated January 28, 2010, he was advised that a complaint had been filed against him.

4. Investigator Choate testified that on February 2, 2010 he left a message at Respondent's telephone concerning the late CDs and penalties. Investigator Choate testified that on February 18, 2010 he made another telephone call to Respondent concerning the late CDs. Respondent stated he would file a final CD showing where his campaign money went prior to the April 2008 quarterly CD filing. Respondent stated to Investigator Choate that he had filed the April 2008 quarterly just to file something, but that those figures were incorrect.

5. Kristin Smith, the Commission's Administrative Coordinator of late-filing, testified that on February 3, 2010 Respondent appeared at the Commission office inquiring about what forms were due. He did not file any forms; however, he was aware of what was required at that time.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Michael Campbell, was a candidate as defined by Section 8-13-1300(4).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Section 8-13-1308(B) provides:

Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

4. Section 8-13-1308(F) requires a candidate to disclose all expenditures and all contributions, to include his own, on the candidate campaign disclosure form.

5. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

6. Section 8-13-320(10)(l)

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Michael Campbell is in violation of six counts of Section 8-13-11308(D) and two counts of Section 8-13-1308(F); and therefore, Respondent Michael Campbell is hereby PUBLICLY REPRIMANDED and a FINE of \$16,000.00 is ASSESSED, in addition to the late-filing penalty of \$151,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$167,000.00 is, and shall be entered against Respondent.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$167,000.00

upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, pursuant to Section 8-13-320(10)(m) the Respondent Michael Campbell has ten (10) days from the receipt of this order to file an appeal to the full Commission.

IT IS SO ORDERED THIS 23rd DAY OF September, 2010.

STATE ETHICS COMMISSION


E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA